

REMARKS

The amendment to claims 34-35, 38-43, and 46 are to change claim dependencies. No new matter has been added.

The Office Action requires Applicants to elect one of Group I (claims 28-32 and 47-49) drawn to a reflective marker, and Group II (claims 33-35 and 38-46) drawn to a system for identifying the position of a patient. Claim 33 has been canceled, and new claim 50 has been added. In response to the election/restriction requirement, Applicants hereby elect to prosecute claims 28-32 and 47-49 of Group I. Applicants respectfully submit that claim 50 and its dependent claims also belong to Group I, and request for examination of these claims.

According to the Examiner, independent claim 33, which was previously considered to be within the same group of invention with claim 28 in the parent case, is restricted to a different group from claim 28 in the subject application because Applicants have amended the preamble of claim 33 to recite a system for “identifying a position of a patient,” while the original claim 33 was directed to a system for “detecting a marker block in a patient treatment system.” Because new claim 50 is directed to a system for detecting a marker block in a patient treatment system, Applicants submit that new claim 50 and its dependent claims belong to Group I, and respectfully request examination of claims 28-32, 34-35, and 38-50, which are pending.

CONCLUSION

If the Examiner has any questions or comments regarding this response, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7010755001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7010755001**.

Dated: _____

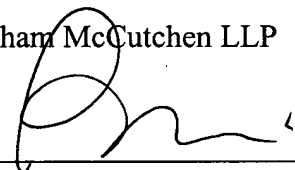
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Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (650) 849-4870
Facsimile: (650) 849-4800

Respectfully submitted,

Bingham McCutchen LLP

By: _____


Peter C. Mei
Reg. No. 39,768